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VIA ECF/EMAIL

Honorable Judge Stewart D. Aaron
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Kumaran et al vs. National Futures Association et al* 1:20-Cv-03668-GHW-SDA

Re: Request for Status Conference on Pending Motions to Dismiss

Dear Hon Judge Aaron;

Over the weekend I became aware that Mr. August would be again largely unavailable this week due to a medical issue. (ECF88). I do of course send him my best wishes for a speedy recovery and I know that he triumphed over a procedure on June 18, 2021 which I believe he is recovering from.

As the Court knows, there are three oppositions due this week related to the MTD. Plaintiff has done a substantial amount of work towards the completion of these and the oppositions, were intended to be filed combined. At this time, the oppositions need to be cleaned up, and with Mr. August out this week, I will need to perform that to tidy up both documents.

Our intention is to file a separate opposition against Defendant Kadlec, and a separate one against Defendants Wahls and Kiela (as their arguments are slightly different), and Defendants NFA.

While I am sensitive to the Court's deadline, I would like to notify the Court, that it looks to be almost humanly impossible for me to take over Mr. August's work at short notice. I would therefore propose to "stagger" the filings so that I can attend to the NFA motion first, and file Mr. Wahls and Kiela's motion after that and Kadlec's motion just a few days after words.

From my estimate of where things stand, I do not believe I need more than a week to clean up and tidy up the 3 separate oppositions. But I do believe, (even if I work 20 hours a day), I will be likely be unable to file a professional or complete 3 motions by myself on Wednesday.

Since I do not want to prejudice either myself or want NRCM, I am respectfully requesting a status conference so that this schedule can be slightly adjusted and so that I do not simply err in not uploading the motions on Wednesday.

I have made tremendous progress – but I need to alert the Court – all the 3 oppositions - need a little more work to tidy them up and file a professional opposition. As this time, I cannot file a draft with redlines, typos and redundant notes.

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Again I wish Mr. August a speed recovery. He is expected to be back in the office next week. He and I have discussed that at the next phase (after the MTD dismiss phase), it is possible NRCM may change counsel or add co-counsel to help Mr. August in all three cases as the workload is too much – but the decision at this time is that he will remain on the case until all three motions to dismiss are complete. Further at that time, as was previously suggested, there is likely to be a motion to consolidate the cases.

In the meantime, while I certainly do not wish to prejudice the case, I believe it is impossible for me to do both Mr. August and my own work in short notice and I would like to “stagger” the filings over the next week so that we can get the oppositions complete and filed without prejudice.

I have not ever been in a position before where I can’t make a deadline, but given the recent developments, I do not think I can get all the 3 oppositions (a) Opposition to NFA (b) Opposition to Wahls and Kiela and (c) Opposition to Kadlec completed by Wednesday by myself.

That said, they are all almost done, and there has been substantial progress – but they need to be edited, refined and consolidated.

Therefore I respectfully seek a conference with the Court to best achieve this filing and so I do not miss a hard stop. I am doing everything I can to do there have still been related motion practice in other case, and I am one person with limited bandwidth. I also turn the attention of the Court, to the still ongoing motions in the related cases 3873 and 3871 which also require being addressed including recent motions filed even on Friday.

In the alternative Plaintiffs seeks guidance from the Court whether the filing or the case should be stayed until Mr. August comes out of the hospital this Friday (after this week). It would only be a 1 week stay. I do not want there to be any prejudice to the case, as there has been tremendous amount of work done to substantially address the issues in the motion to dismiss I intend to call the *Pro-Se* intake office today also to inquire what the protocol is, if it looks impossible to meet a filing deadline.

For that reason, I am respectfully requesting a status conference call, so this can be completed in an organized fashion – and we are very close. I do not want in anyway there to be prejudice to Plaintiffs from this as this case needs to be ruled on the merits of the law, and there is some substantial law in opposition to Defendants motion that needs to be provided.

Respectfully submitted,

//SSK//

Samantha Siva Kumaran